

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE WORLD TRADE CENTER SITE  
DISASTER LITIGATION

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RICHARD BATTLE,

Plaintiff(s)

05 Civ. 101339 (AKH)

-against-

1 WORLD TRADE CENTER, LLC, 1 WTC HOLDINGS, LLC,  
2 WCRLLD TRADE CENTER LLC, 2 WTC HOLDINGS LLC, 4  
WORLD TRADE CENTER LLC, 4 WTC HOLDING LLC, 5  
WORLD TRADE CENTER LLC, 5 WTC HOLDING LLC, A  
RUSSO WRECKING, INC., ABM, ABM INDUSTRIES, INC.,  
ABM JANITORIAL NORTHEAST, INC., AMEC  
CONSTRUCTION MANAGEMENT, INC., AMEC EARTH &  
ENVIRONMENTAL, INC., ANTHONY CORTESE  
SPECIALIZED HAULING LLC, ATLANTIC HEYDT CORP.,  
BECHTEL CONSTRUCTION, INC., BECHTEL  
CORPORATION, BECHTEL ENVIORNMENTAL, INC.,  
BERKEL & COMPANY, CONTRACTORS, INC., BFP  
TOWER C CO. LLC, BIG APPLE WRECKING &  
CONSTRUCTION CORP. BOSTON PROPERTIES, BOVIS  
LEND LEASE LMB, INC., BOVIS LEND LEASE, INC.,  
BREEZE CARTING CORP., BREEZE NATIONAL INC.,  
BRER-FOUR TRANSPORTATION CORP., BURG HAPOLD  
CONSULTING ENGINEERS, P.C., C&D FIREPROOFING &  
PLASTERING CORP., C.B. CONTRACTING CORP.,  
CANRON CONSTRUCTION CORP., CANTOR SEINUK  
GROUP, CERTIFIED FENCE CORP., CIVETTA-COUSINS  
JV, LLC, CLARCOR AIR FILTRATION PRODUCTS, INC.,  
COMPONENT ASSEMBLY SYSTEMS, INC.,  
CONSOLIDATED EDISON COMMUNICATIONS HOLDING  
COMPANY, INC., CONSOLIDATED EDISON COMPANY OF  
NEW YORK, INC., CONSOLIDATED EDISON DEVELOPMENT,  
INC., CONSOLIDATED EDISON ENERGY, INC.,  
CONSOLIDATED EDISON SOLUTIONS, INC.,  
CONSOLIDATED EDISON, INC., COORDINATED METALS,  
INC., CORD CONTRACTING CO., INC., CRAIG TEST  
BORING COMPANY, INC., CRITICOM INTERNATIONAL  
CORPORATION, CUSHMAN & WAKEFIELD, INC.,  
D'ONOFRIO GENERAL CONTRACTORS CORP., DAKOTA  
DEMO-TECH INC., DCM ERECTORS, INC., DIAMOND  
POINT EXCAVATING CORP., EAGLE LEASING &  
INDUSTRIAL SUPPLY, INC., EAGLE ONE ROOFING

NOTICE OF ADOPTION  
OF MASTER ANSWER

CONTRACTORS INC., EAGLE SCAFFOLDING CO., INC., EJ DAVIES, INC., EN-TECH CORP., ET ENVIRONMENTAL, EVERGREEN RECYCLING OF CORONA (EROC), EWELL W. FINLEY, P.C., EXECUTIVE MEDICAL SERVICES, P.C., F&G MECHANICAL, INC., FELIX EQUITIES, INC., FLEET TRUCKING, INC., FRANCIS A. LEE EXTERIOR RESTORATION, INC., FRANK MICELLI JR. CONTRACTING, INC., FTI TRUCKING, INC., GILSANZ, MURRAY & STEFICEK, LLP, GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC, GRACE INDUSTRIES, INC., HALLEN WELDING SERVICE, INC., HELMSMAN MANAGEMENT SERVICES, INC., HGC CONTRACTING CORP., HIGH-RISE ELECTRIC, INC., HIGH RISE HOISTING AND SCAFFOLDING, INC., JP EQUIPMENT RENTAL MATERIALS, INC., LAQUILA CONSTRUCTION, INC., LASRADA GENERAL CONTRACTING CORP. LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEERS, P.C., LIBERTY MUTUAL INSURANCE COMPANY, LIBERTY MUTUAL MANAGED CARE INC., LOCKWOOD KESSLER & BARTLETT, INC., LUCIUS PITKIN, INC., LZA TECH-DIV OF THORTON TOMASETTI, MANAFORT BROTHERS INCORPORATED, MAZZOCCHI WRECKING, INC, MENT BROS. IRON WORKS CC., INC., MERIDIAN CONSTRUCTION GROUP, MOODY'S INVESTORS SERVICE, MRA ENGINEERING, PC, MUESER RUTLEDGE CONSULTING ENGINEERS, INC., MOSCO SPORTS LIGHTING, LLC, NACIREVA INDUSTRIES INCORPORATED, NEW YORK CRANE & EQUIPMENT, CORP., NYC INDUSTRIAL DEVELOPMENT AGENCY, NICHOLSON CONSTRUCTION COMPANY, OLYMPIC PLUMBING & HEATING CORP., OVE AROP & PARTNERS P.C., PARSON GROUP, INC., PETER SCALAMANDRE & SONS, INC., PINNACLE, PINNACLE ENVIRONMENTAL CORP., PLAZA CONSTRUCTION CORP., PLAZA CONSTRUCTION MANAGEMENT CORP., PORT AUTHORITY OF NEW YORK and NEW JERSEY, PRO SAFETY SERVICES, LLC, PT & L CONTRACTING CORP., REGIONAL SCAFFOLDING & HOISTING CO., INC., ROBERT SILMAN ASSOCIATES, ROBERT ERRAT, ROBERT I. GEROSA, INC., ROYAL GM, INC., SAB TRUCKING INC., SAFEWAY ENVIRONMENTAL CORP., SEASONS INDUSTRIAL CONTRACTING, SHELDRAKE ORGANIZATION, INC., SILVERITE CONTRACTING, SILVERSTEIN PROPERTIES, SILVERSTEIN, WTC FACILITY MANAGER, LLC, SILVERSTEIN WTC, LLC, SILVERSTEIN WTC MGMT CO., LLC, SILVERSTEIN WTC PROPERTIES LLC, SIMPSON GOMPERTZ & HEGER INC., SKIDMORE, OWING & MERRILL, LLP, STAR DELTA ELECTRIC, INC., STIER ANDERSON, LLC, SURVIVAIR, TISHMAN CONSTRUCTION CORPORATION OF

MANHATTAN, TISHMAN CONSTRUCTION CORPORATION OF NEW YORK, TISHMAN SPEYER PROPERTIES, TOMASETTI GROUP, INC., TORRETTA TRUCKING, INC., TOTAL SAFETY CONSULTING, LLC, TRIO ASBESTOS REMOVAL, TUCCIEQUIPMENT RENTAL CORP., TULLY CONSTRUCTION CO., INC., TULLY CONSTRUCTION COMPANY, TULLY ENVIRONMENTAL, INC., TULLY INDUSTRIES, INC., TURNER CONSTRUCTION CO., TURNER CONSTRUCTION COMPANY, TURNER CONSTRUCTION INTERNATIONAL, LLC, ULTIMATE DEMOLITION/CS HAULING (JOING VENTURE), UNITED STATES REBAR, INC., VOLLMER ASSOCIATES, LLP, W HARRIS & SONS, INC., WEEKS MARINE, INC., WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C., WESTFIELD AMERICA, INC., WESTFIELD WTC HOLDING LLC, WESTFIELD WTC, LLC, WFP TOWER D CO., LP, WHITNEY CONTRACTING INC., WOLKOW-BRAKER ROOFING CORP., WORLD TRADE CENTER PROPERTIES LLC, YANNUZZI & SONS, INC., YONKERS CONTRACTING COMPANY, INC., YORK HUNTER CONSTRUCTION, LLC, ZIEGENFUSS DRILLING, INC.,

Defendant(s)

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Pursuant to Case Management Order No. 6 (“CMO6”), the Master Answer to the Amended Master Complaint Against the City of New York, the Master Answer to the Amended Master Complaint for Construction Manager Defendants, the Master Answer to the Amended Master Complaint Against Contractor Defendants, and the Master Answer to the Amended Master Complaint Against the City of New York and the Fresh Kills Contractor Defendants were filed on January 15, 2008 (these four separate Master Answers are referred to collectively herein as “Master Answers”).<sup>1</sup>

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<sup>1</sup> These Master Answers are responsive to three separate Amended Complaints filed by Plaintiffs on and after August 18, 2006: (1) Amended Master Complaint Against the City of New York; (2) Amended Master Complaint Against Construction Manager Defendants; (3) Amended Master Complaint Against Contractor Defendants; and (4) the Amended Master Complaint Against the City of New York and the Fresh Kills Contractor Defendants which was filed on December 18, 2006 (referred to collectively herein as “Master Complaints”).

**NOTICE OF ADOPTION**

All headings and paragraphs in the Master Answers selected below are applicable to and are adopted by the instant Defendant(s) as if fully set forth herein in addition to those paragraphs specific to the individual Defendant(s), which are listed below.

<input type="checkbox"/>	Master Answer to the Amended Master Complaint for Construction Manager Defendants
<input checked="" type="checkbox"/>	Master Answer to the Amended Master Complaint Against Contractor Defendants
<input type="checkbox"/>	Master Answer to the Amended Master Complaint Against the City of New York
<input type="checkbox"/>	Master Answer to the Amended Master Complaint Against the City of New York and the Fresh Kills Contractor Defendants

The Defendant Berkel & Company Contractors, Inc., indicated by Plaintiff(s) in "Section I. B." of the Short Form Complaint Related to the Master Complaint ("Short Form Complaint"), by and through their attorneys, L'Abbate, Balkin, Colavita & Contini, LLP, as and for their answer to Plaintiff(s)' Short Form Complaint, upon information and belief, allege as follows:

**I. PARTIES**

**A. PLAINTIFF(S)**

1. Defendant(s) deny having knowledge or information sufficient to form a belief as to the truth of allegations one (1) through (and including) six (6) of Section "I. A."

**B. DEFENDANT(S)**

2. Defendant(s) admit that what purports to be a list of all Defendant(s) named in the Master Complaint is in fact such a list. Defendant(s) deny that the allegations contained in the Master Complaints are properly directed to the Defendant(s) indicated by Plaintiff(s) in Section "I. B."

**II. JURISDICTION**

3. Defendant(s) admit that jurisdiction is proper under the bases set forth in "Section II," including the Air Transportation Safety and System Stabilization Act of 2001 ("ATSSSA") and Federal Officer Jurisdiction, but deny that these are the only bases for federal jurisdiction.

**III. CAUSES OF ACTION**

4. Defendant(s) admit that Plaintiff(s) is/are pursuing allegations based on the indicated causes of action in "Section III." Defendant(s) deny these allegations.

**IV. CAUSATION, INJURY AND DAMAGE**

5. Defendant(s) deny the allegations contained in "Section IV" of the Short Form Complaint.

**V. AFFIRMATIVE DEFENSES**

6. Defendant(s) hereby adopt all affirmative defenses asserted in the Master Answers as if set forth in full herein.

Dated: March 18, 2010  
Garden City, New York

Yours etc.,

L'Abbate, Balkin, Colavita  
& Contini, LLP

By: \_\_\_\_\_

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